

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
)
v.) CRIMINAL NO. 04-10361-NG
)
JOHN HANDY)

MOTION TO MODIFY CONDITIONS OF PRETRIAL RELEASE

Defendant, John Handy, moves this Court to allow U.S. Pretrial Services the discretion to permit him defined periods of time off of house arrest so that he may seek employment and participate in drug treatment programs near his home in Brockton. As grounds for this motion, the defendant through counsel states the following:

1. The defendant is charged by indictment with being a felon in possession of a firearm in violation of 18 U.S.C. 922(g).
2. He was initially ordered detained by the Magistrate Judge. On August 22, 2006, this Court allowed defendant's motion to revoke the detention order and released defendant on conditions that included maintenance of his residence his sister Jennis Handy's home at 17 Prospect Ave. in Brockton. Defendant was further ordered to remain at 17 Prospect Ave. except for defined periods during the day when he could stay at his mother's home across the street to assist her. Compliance was ordered to be enforced by electronic monitoring.
3. On November 13, 2006, the Court, on defendant's motion and over the objection of the government, modified the conditions of Handy's release to allow him to live at his mother's home at 18 Prospect St. Handy has remained at his mother's home since the Court's modification.
4. According to U.S. Pretrial Services, defendant has been compliant with all of the conditions of his release.

5. Defendant submits that his demonstrated compliance over a substantial period of time - now over six weeks - in the face of very restrictive conditions shows a level of responsibility that would support increased privileges. Defendant therefore requests that Pretrial Services be granted the discretion to allow defendant discrete and defined periods of time off of electronic monitoring to seek and maintain employment.
6. Additionally, Handy is aware of and has made inquiries of relapse prevention programs in the Brockton area. All require attendance at outpatient sessions and 12-step meetings. Handy requests that Pretrial Services be granted the discretion to pre-approve participation in these programs and meetings.
7. All other conditions - including the unsecured bond and the assignment of Jennis Handy as third-party custodian and residence at 18 Prospect Ave. - would remain the same.

JOHN HANDY
By His Attorney:

/s/ Timothy G. Watkins
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CERTIFICATE OF SERVICE

I, Timothy G. Watkins, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF), as well as to U.S. Pretrial Services Officer Basil Cronin by electronic mail, on September 6, 2006.

/s/ Timothy G. Watkins
Timothy G. Watkins